

**Certificate of Notice Page 1 of 5**  
 United States Bankruptcy Court  
 Eastern District of Pennsylvania

In re:  
 Matthew Durante  
 Debtor

Case No. 18-10510-elf  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0313-2

User: JEGilmore  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 6

Date Rcvd: Nov 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 29, 2018.

db Matthew Durante, 2418 Anneto Dr, Pottstown, PA 19464-1046

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: megan.harper@phila.gov Nov 28 2018 02:12:00 City of Philadelphia,

c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19102-1595

smg E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 28 2018 02:11:46

Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946,  
 Harrisburg, PA 17128-0946

smg +E-mail/Text: usapae.bankruptcynotices@usdoj.gov Nov 28 2018 02:11:57 U.S. Attorney Office,  
 c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19106-4404

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Nov 28 2018 02:14:27

Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,  
 Oklahoma City, OK 73118-7901

cr +E-mail/Text: blegal@phfa.org Nov 28 2018 02:11:54 Pennsylvania Housing Finance Agency,  
 211 North Front Street, Harrisburg, PA 17101-1406

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 29, 2018

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 27, 2018 at the address(es) listed below:

JAMES W. ZERILLO on behalf of Debtor Matthew Durante jameszerillo@gmail.com,  
 G28910@notify.cincompass.com

JASON BRETT SCHWARTZ on behalf of Creditor Capital One Auto Finance  
 jschwartz@mesterschwartz.com, jottinger@mesterschwartz.com

KEVIN G. MCDONALD on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
 PENNSYLVANIA HOUSING FINANCE AGENCY). bkgroup@kmlawgroup.com

LEON P. HALLER on behalf of Creditor Pennsylvania Housing Finance Agency lhaller@pkh.com,  
 dmaurer@pkh.com;mgutshall@pkh.com

United States Trustee USTPRegion03.PH.ECF@usdoj.gov

WILLIAM C. MILLER, Esq. ecfemails@phl3trustee.com, philaecf@gmail.com

TOTAL: 6

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE:

MATTHEW DURANTE,  
Debtor

: Chapter 13  
: Case No. 18-10510-ELF  
: Consent Order Settling  
: Capital One Auto Finance,  
: a division of Capital One, N.A.'s  
: Motion For Relief From The Automatic  
: Stay Pursuant To 11 U.S.C. § 362

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**ORDER**

AND NOW, this 26th day of November, 2018, this matter having come before this Court upon application of Capital One Auto Finance, a division of Capital One, N.A. (hereinafter referred to as "COAF"), a secured creditor of the above-named Debtor, by its counsel, for relief from the automatic stay pursuant to 11 U.S.C. § 362;

AND it appearing that Debtor, *Matthew Durante*, through Debtor's attorney, *James W. Zerillo, Esquire*, have reached an agreement with regard to said Motion for Relief regarding a 2013 VOLKSWAGEN Passat Sedan 4D SE 1.8, V.I.N. 1VWBP7A32DC049403 (the "Vehicle"), as per the terms contained in this Order;

AND, it appearing that Debtor is indebted to COAF on a loan which enabled Debtor to purchase said Vehicle, which loan terms are set forth in a Retail Installment Contract (the "Contract"); and

It appearing that COAF is the holder of a secured claim against the Debtor and;

It appearing that the Debtor remains in arrears post-petition in the amount of \$860.05 as of August 29, 2018;

It appearing that the Debtor and COAF have reached an agreement to cure post-petition arrears and attorney's fees and costs, the Debtor agrees to pay \$286.69 monthly beginning September 14, 2018 for the next three (3) months (with payments due on the fourteenth of each month) to cure said arrears, while making regular monthly post-petition payments (\$379.54 per the Contract) due under the Contract beginning with the September 14, 2018 payment for a total monthly payment from September 14, 2018 through November 14, 2018 of \$666.23, wherefore,

It is hereby ORDERED ~~and DECREED~~ that if Debtor shall fail to make the regular

monthly payment (or any portion thereof) or fail to make payment toward the curing of the arrears as set forth above and Debtor fails to cure said default within ten (10) days after notice by COAF (or its counsel) of said default, counsel for COAF may file a Certification of Default with the Court setting forth Debtor's default and COAF shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362), and COAF is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law. The Debtor shall be allowed to default and cure such default under this Consent Order one (1) time. Should Debtor default a second (2nd) time, notice of the default will be served, but the Debtor will not be granted an opportunity to cure the default and counsel for COAF may file a Certification of Default with the Court setting forth Debtor's default and COAF shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362).

It is ~~FURTHER ORDERED~~ and ~~DECREED~~ that in the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payment in accordance with this paragraph then COAF, through Counsel, may file a certification setting forth said failure and COAF shall be granted immediate relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362) and COAF is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law.

The failure by COAF, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of COAF's rights hereunder.

This Order is a supplement and in addition to the Contract and not in lieu thereof.

Pacsimile signatures shall be accorded the same force and effect as an original signature, and may be submitted to the Court.

It is further Ordered that the fourteen (14) day stay provided by Rule 4001(a)(3) is hereby waived.




Eric L. Frank  
U.S. BANKRUPTCY JUDGE

Post-Petition Arrears: \$ 379.05  
Counsel Fees: \$ 481.00  
Total: \$ 860.05

Creditor: Capital One Auto Finance,  
a division of Capital One, N.A.  
By Counsel: Mester & Schwartz, P.C.

By:



Jason Brett Schwartz, Esquire  
Mester & Schwartz, P.C.  
1333 Race Street  
Philadelphia, PA 19107  
(267) 909-9036

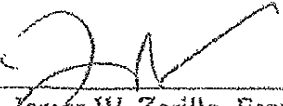
DATED: 11/14/18

Seen and agreed to -- We hereby consent to the form and entry of the foregoing order.

Debtor: Matthew Durante

By Counsel for Debtor: James W. Zerillo, Esquire

By:



James W. Zerillo, Esquire  
Zerillo Law Offices  
937 North Hanover Street  
Pottstown, PA 19464  
(610) 326-9333

DATED:

**Chapter 13 Trustee:**

By: William C. Miller, Esq.

William C. Miller, Esq.  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105  
(215) 627-1377

**NO OBJECTION**  
\*without prejudice to any  
trustee rights or remedies.